

1 ROB BONTA
Attorney General of California
2 TRACY L. WINSOR
Supervising Deputy Attorney General
3 JOHN S. SASAKI
Deputy Attorney General
4 JANELLE M. SMITH
Deputy Attorney General
5 State Bar No. 231801
455 Golden Gate Avenue, Suite 11000
6 San Francisco, CA 94102-7004
Telephone: (415) 510-3522
7 Fax: (415) 703-5843
E-mail: Janelle.Smith@doj.ca.gov
8 *Attorneys for Respondents/Defendants California*
Air Resources Board and Executive Officer
9 *Steven S. Cliff*

10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA
13

14 **THE TWO HUNDRED FOR**
15 **HOMEOWNERSHIP, a California**
16 **Nonprofit Public Benefit Corporation,**
17 **ROBERT APODACA, an individual, and**
18 **JOSE ANTONIO RAMIREZ, an individual,**

19 Petitioner and Plaintiff,

20 v.

21 **CALIFORNIA AIR RESOURCES BOARD,**
22 **STEVEN S. CLIFF, in his official capacity,**
23 **and DOES 1-25,**

24 Respondents and
25 Defendants.
26
27
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No. 1:22-CV-01474-ADA-BAM

STIPULATION AND ~~[PROPOSED]~~
ORDER RE CONTINUANCE OF
MANDATORY SCHEDULING
CONFERENCE

Scheduling Conference

Date: February 14, 2023
Time: 8:30 a.m.
Courtroom: #8
Judge: Barbara A. McAuliffe

Trial Date: None set
Action Filed: November 14, 2022

1 WHEREAS, on January 6, 2023, Petitioners provided copies of a summons and their
2 complaint to Respondents, via e-mail, together with a request for waiver of service pursuant to
3 Rule 4 of the Federal Rules of Civil Procedure;

4 WHEREAS, Respondents agreed to waive service, as requested by Petitioners, and thus are
5 required to answer or otherwise respond to the complaint on or before March 7, 2023;

6 WHEREAS, Respondents have notified Petitioners that they intend to file, on or before
7 March 7, 2023, a motion to dismiss under Rule 12(b) of the Federal Rules of Civil Procedure with
8 regard to all of the claims asserted by Petitioners herein;

9 WHEREAS, the Court has set a mandatory scheduling conference in this action on
10 February 14, 2023;

11 WHEREAS, the Parties have met and conferred regarding the matters to be discussed at the
12 scheduling conference, including such related matters as the extent to which the claims asserted
13 by Petitioners might properly be decided based on an administrative record, the preparation of the
14 administrative record and anticipated timing for completion of the record, the possible need for
15 discovery on any non-record based claims, and the appropriate timing of such discovery relative
16 to the Court's decision regarding the record-based claims; and

17 WHEREAS, the Parties agree that they will be in a better position to discuss and come to an
18 agreement regarding these and other scheduling matters after the Court has ruled on Respondents'
19 motion to dismiss.

20 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE that the
21 scheduling conference currently set for February 14, 2023 should be continued for a period of
22 three months, or to the Court's earliest available date thereafter.

23 Dated: February 2, 2023

24 ROB BONTA
Attorney General of California

25 /s/ Janelle M. Smith

26 JANELLE M. SMITH
27 Deputy Attorney General
Attorneys for Respondents/Defendants
28 California Air Resources Board et al.

Dated: February 2, 2023

HOLLAND & KNIGHT LLP

/s/ Brian C. Bunger (as authorized on
February 2, 2023)

BRIAN C. BUNGER
*Attorneys for Petitioners/Plaintiffs The Two
Hundred for Homeownership et al.*

ORDER

Based on the foregoing stipulation of the parties, and for good cause shown, the scheduling conference in the above-captioned action which is currently scheduled for February 14, 2023 at 8:30 a.m. is hereby continued to **May 11, 2023, at 9:30 AM in Courtroom 8 (BAM) before Magistrate Judge Barbara A. McAuliffe**. The parties shall file a Joint Scheduling Report at least one full week prior to the conference. The parties shall appear at the conference remotely with each party connecting either via Zoom video conference or Zoom telephone number. The parties will be provided with the Zoom ID and password by the Courtroom Deputy prior to the conference. The Zoom ID and password are confidential and are not to be shared. Appropriate court attire required.
IT IS SO ORDERED.

Dated: **February 6, 2023**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE